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Clinton Administration Wants the Senate to Fund an Unratified Treaty

The Clinton Administration has requested the Senate provide funds to the Preparatory Commission for the Comprehensive Test Ban Treaty (also known as the CTBT Organization, or CTBTO). It is possible that when the Senate considers S. 2334, the Foreign Operations appropriations bill for FY 1999, amendments might be offered to add \$28 million for this entity, and/or to accelerate Senate consideration of the CTBT, a multilateral treaty banning all underground nuclear explosions. The Senate should oppose any of these proposals for the following reasons:

The CTBT's chances of entering into force in the next decade are low. Why should the U.S. plow this kind of money into it?

Article XIV of the CTBT prevents the treaty's entry into force (EIF) until it has been ratified by 44 specified nations. Of these, 41 countries have signed the CTBT, but India, Pakistan, and North Korea have not. Any one of the 44 countries can singlehandedly derail the CTBT's entry into force. One, India, rejects the treaty: India has sought to block the CTBT at every step, vetoing it in the Conference on Disarmament, voting against it at the United Nations, and declaring that it will not sign the treaty. Clearly, India's actions render swift implementation of the treaty unlikely. Further, only 6 of the 44 key countries which must ratify the CTBT before it can enter into force have done so.

The Administration wants to spend money when there's no treaty to monitor.

If the Administration has its way, all of the CTBT's capital expenditure (\$127.3 million) will occur within the next four years. Since the treaty cannot enter into force without ratification by all 44 specified nations, why front-load the expenses? It just means that we will have to start paying for the costs of operating and maintaining the hardware (\$43.4 million annually for the CTBTO) sooner — regardless of the fact that there is no treaty to monitor. This also leads to the question: Why buy monitoring equipment at this time since it could well be obsolete by the time the treaty does enter into force?

The CTBT has not been, and may not be, ratified by the Senate.

It is premature, to say the least, to spend a significant sum of taxpayer dollars for a treaty which has not been, and may not be, ratified by the U.S. Senate.

Spending money on CTBT's international monitoring system will not boost significantly U.S. intelligence capabilities.

The Administration wants to build 171 new monitoring stations, 14 more seismic arrays, and other upgrades in such places as the Cook Islands, the Central African Republic, Fiji, the Solomon Islands, Cote d'Ivoire, Cameroon, Niger, Paraguay, Bolivia, Botswana, Costa Rica, Iceland, Samoa, and others. There is no benefit to having seismic monitoring stations aimed at detecting nuclear explosions in countries where nuclear weapons development is nonexistent. It's hard not to chalk this up to just another foreign aid boondoggle.

Indeed, there are serious legal issues associated with CTBTO's plan to build seismic stations and other types of laboratories in countries that are currently under U.S. sanctions and/or otherwise prohibited from receiving such assistance (such as Iran, slated for five stations, and Libya, slated for one).

In fact, negotiators picked most of these sites at random, without regard for their relevance to nuclear test detection. For example, many sites are located in places with technical difficulties (such as underground "noise") which render them unable to perform their IMS function at all. The CTBT proposes to locate others in areas where there is no infrastructure available to support their operation (such as in the middle of deserts or jungles).

The CTBT calls for some stations in physically impossible places (such as the infrasound station at Ascension Island, the coordinates for which are out at sea). This is what happens when diplomats, instead of technical experts, pick and choose sites for monitoring stations.

Finally, the Committee report had this to say about this issue:

The Comprehensive Test Ban Treaty has not been ratified by the U.S. Senate. In addition, funding for the CTBT PrepCom was requested to acquire technical equipment by the Arms Control and Disarmament Agency (ACDA) which officials acknowledge will not provide new or unique data which would enhance the present ability of the United States to detect seismic events around the globe. Given these concerns, combined with pressure to fund existing vital programs in the "Nonproliferation, antiterrorism, demining, and related programs" account, the Committee did not recommend funding the Commission's activities. The Committee has provided authority in related appropriations legislation to use ACDA resources to fund more limited activities. The Committee directs ACDA to provide a report to the Committee, 90 days after the date of enactment, which describes how the proposed monitoring stations could be reconfigured to provide unique and useful information to the United States. [S. Rept. 105-255, p. 37]

Additional Stations Add Little Or Nothing To U.S. National Technical Means.

The U.S. intelligence community already has a worldwide network of sensors that provide the United States information needed to monitor nuclear tests in countries of concern. For example, 68 percent of the "Primary Seismological Stations," and 47 percent of the "Auxiliary" stations are already in place. The additional stations called for by the CTBT add little or nothing to our own national technical means.

If we want to spend money to buttress our own capabilities, it would be better spent on critical intelligence community projects which have been underfunded or cut entirely.

The Administration is placing the CTBT Treaty Ahead of Defending America.

The Chairman of the Senate Foreign Relations Committee has stated that hearings on the 1972 Anti-Ballistic Missile Treaty and the urgent need for a national missile defense are now among the top priorities for his committee. By attempting to dictate to the Foreign Relations Committee that CTBT consideration take precedence over the planned ABM Treaty hearings, the Administration is placing a higher priority on a piece of paper than on protecting the American people from ballistic missile attack. India's recent nuclear testing and its ability to reconfigure its space-launch vehicle is compelling evidence for a national missile defense system to protect the United States. These tests underscore the importance of the U.S. nuclear deterrent to our national security. What is needed is a careful review of the U.S. nuclear infrastructure. The CTBT, from the standpoint of our nuclear deterrent, is the last thing the United States needs.

The Administration's claim that the CTBT will stem proliferation is faulty.

Several expert witnesses have told the Senate Foreign Relations Committee that India's nuclear tests demonstrate that the CTBT is a complete sham from a nonproliferation standpoint. The world already has one ban on nuclear testing, called the Nuclear Nonproliferation Treaty (NPT). We should be demanding Indian and Pakistani membership in *that* treaty. At the same time, by promoting the CTBT with no mention of the NPT, the Administration is providing de facto legitimization of Indian and Pakistani possession of these weapons (just so long as they are not caught testing them). This policy would set a poor precedent. Other countries, such as Iran and Iraq, will feel emboldened to test, withdraw from the NPT, and escape international condemnation by signing onto the CTBT as a declared nuclear power instead.

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